

MINUTE ORDER OF THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Case Name: **The Regents of the** Case No.: **15-cv-1766 BEN (JLB)**
 University of California v.
 Paul S. Aisen et al.

Hon. Jill L. Burkhardt Ct. Deputy Roi-Ann Bressi Rptr. Tape: n/a

A hearing on Plaintiff's Motion to Compel Production of Electronic Computing and Storage Devices for Inspection (ECF No. 147) was held before Magistrate Judge Jill L. Burkhardt on January 5, 2017. (*See* ECF No. 168.) The Court ordered as follows:

1. The parties shall meet and confer and upon a narrowed definition of the devices responsive to Plaintiff's First Set of Demands for Inspection of Tangible Things to Defendant University of Southern California.
2. A telephonic, counsel-only Status Conference concerning the parties' narrowed definition of devices responsive to Plaintiff's Demand for Inspection is **SET** before Magistrate Judge Burkhardt for **10:00 AM** on **January 6, 2017**. For purposes of the Conference, counsel for the parties shall coordinate placing a joint call to Magistrate Judge Burkhardt's chambers with all participating counsel already on the line. However, if by **9:30 AM** on **January 6, 2017**, counsel for the parties place a joint call to Magistrate Judge Burkhardt's chambers and inform the Court that its assistance on this specific issue is not needed, then the 10:00 AM Status Conference shall be vacated.
3. After the parties have agreed to a definition of devices that are responsive to Plaintiff's Demand for Inspection or have received further direction from the Court on this issue, Defendant USC shall:
 - a. Identify the device(s) that meet the definition;
 - b. Identify whether each device has already been provided to Plaintiff, and, if so, in what format; and
 - c. If a device has not already been provided to Plaintiff, identify how and when Defendant USC will provide such device to Plaintiff.

4. Plaintiff shall then consult with its forensic expert regarding the following:
 - a. With respect to devices or images of devices that have already been provided to Plaintiff, whether the format in which each device was provided to Plaintiff is adequate for Plaintiff's needs; and
 - b. With respect to devices that have not yet been provided to Plaintiff, the format in which such devices shall be provided to Plaintiff.
5. The parties agreed at the hearing that Special Master James Aquilina shall oversee the forensic examination of the subject devices. The parties shall meet and confer regarding whether it is adequate for the Special Master to follow the Protocol for Forensic Inspection and Return of Laptop and Mobile Phone in Possession of Aisen (ECF No. 107, Exh. 1) when forensically examining the subject devices or whether, and how, such protocol must be modified.
6. The parties shall also meet and confer regarding what information Special Master James Aquilina shall search for and retrieve from the devices.
7. Once it is known what devices will be inspected and how many of these devices were potentially used to also store personal or privileged information, the parties shall confer with Special Master James Aquilina to calculate, at least roughly, the number of hours it will take for the Special Master to complete the forensic examinations and for counsel for USC to complete a review of the relevant information retrieved from the forensic examinations for purposes of identifying personal or privileged information.
8. The parties shall complete the above tasks no later than January 10, 2017.
9. On or before January 10, 2017, the parties shall lodge with Judge Burkhardt's Chambers by e-mail a joint status report providing a detailed description of the parties' progress on the above tasks. If any dispute arises that requires the Court's involvement, the parties shall describe the specific nature of the dispute and the parties' respective positions concerning the dispute.

10. Any remaining dispute shall then be discussed at the conclusion of the January 11, 2017 Mandatory Settlement Conference before Magistrate Judge Burkhardt.

Date: January 6, 2017

Initials: lc1